



HF 2398 – Controlled Substances, Synthetic Cannabinoids and Cathinones (LSB 5298HV)
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Fiscal Note Version – New

Description

House File 2398 classifies certain synthetic substances also known as “K2,” to the list of Schedule 1 controlled substances under Iowa Code section [124.204](#)(4)(ai) and numerous substances containing any quantity of any synthetic cathinone (not approved pharmaceuticals) to the list of Schedule 1 controlled substances under Iowa Code section [124.204](#)(6). The Bill is effective upon enactment.

Background

Correctional and Fiscal Information

1. A Schedule 1 controlled substance is considered to have a high potential for abuse and no medical purpose in treatment in the United States.
2. The cost for one entry-level criminalist in the Department of Public Safety, Division of Criminal Investigation (DCI) is \$71,000.
3. In September 2011, drug identification made up 2.5% of the total workload at the DCI Crime Lab. In January 2012, that number increased to 10.0% of the total workload at the DCI Crime Lab.
4. It is a serious misdemeanor offense for an unauthorized person to possess a Schedule 1 controlled substance under Iowa Code section [124.401](#)(5). The average State cost for a serious misdemeanor convictions ranges from \$205 (court costs) to \$4,900 (court costs including a jury, indigent defense, prison, and parole). The maximum costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.
5. It is an aggravated misdemeanor offense for an unauthorized person to manufacture, deliver, or possess with the intent to manufacture or deliver a synthetic cannabinoid under Iowa Code section [124.204](#)(4) or a synthetic cathinone under Iowa Code section [124.204](#)(6)(i). The average State cost for one aggravated misdemeanor ranges from \$2,100 (court costs and probation) to \$6,400 (court costs with a jury, prison, parole, and indigent defense). Costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community.

Minority Data Information

1. In FY 2011, offender-based convictions for Iowa Code section [124.401](#)(1)(d) for an aggravated misdemeanor resulted in a total of 42 convictions. Of this total, 36 offenders were Caucasian, two were African American, one was Asian, and three were of unknown race.

2. In FY 2011, offender-based convictions for Iowa Code section [124.401](#)(5) for a serious misdemeanor resulted in a total of 4,731 convictions. Of this total 3,402 offenders were Caucasian, 778 were African American, 146 were Hispanic, 33 were Indian, 25 were Asian, 48 were Other, and 347 were of other or unknown race.

Assumptions

Correctional and Fiscal Information

1. The substances being added to the list of Schedule 1 controlled substances are currently legal. It is assumed that once these substances become illegal, the vast majority of businesses will cease selling them.
2. Law enforcement agencies will continue to send substances to the DCI Crime Lab to verify whether the substance is a legal or illegal substance. This verification will be handled in the Drug Identification Division and the Toxicology Division of the DCI Crime Lab.

Minority Data Information

The minority distribution remains constant for both the serious and aggravated misdemeanor offenses under the Bill.

Summary of Impacts

Correctional Impact

[House File 2398](#) will have some correctional impact, but the impact is likely to be minimal.

Minority Impact

The minority impact is anticipated to be minimal.

Fiscal Impact

The fiscal impact to the Department of Public Safety is \$142,000 to hire 2.0 criminalists in the DCI Crime Lab with one for the Drug Identification Division and one for the Toxicology Division.

Sources

Department of Human Services, Criminal and Juvenile Justice Planning Division
Department of Public Safety

/s/ Holly M. Lyons

March 7, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to **Iowa Code section 2.56**. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
